

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAN MEAD, et al.,

Plaintiffs,

Case No. 1:23-cv-1313

v.

HONORABLE PAUL L. MALONEY

ROCKFORD PUBLIC SCHOOL
DISTRICT, et al.,

Defendants.

ORDER REGARDING MOTION TO DISMISS

Defendants filed a motion to dismiss (ECF No. 12) in which it is argued that Plaintiffs have failed to allege sufficient facts to support one or more of the claims in the complaint. If true, the claim or claims would be defective under the Supreme Court's plausibility standard. *See Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007).

The Court reviewed the motion. Without expressing any view as to the merits, the Court affords Plaintiffs the opportunity to cure the allegedly inadequate pleading by granting Plaintiffs leave to file an amended complaint, as allowed by Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure. An amended complaint must plead sufficient factual allegations that, if true, would "plausibly give rise to an entitlement to relief." *Iqbal*, 556 U.S. at 680. If Plaintiffs timely file an amended complaint, the Court will deny without prejudice the motion to dismiss as moot. *See Bancoult v. McNamara*, 214 F.R.D. 5, 13 (D.D.C. 2003). If

Plaintiffs do not timely file an amended complaint, Plaintiffs must file a response to the motion to dismiss, and the Court will decide the motion.

Plaintiffs must file either an amended complaint within twenty-one days after Defendants filed the motion to dismiss, Fed. R. Civ. P. 15(a)(1)(B), or Plaintiffs must file a response to the motion to dismiss within twenty-eight days after Defendants filed the motion to dismiss, W.D. Mich. LCivR 7.2(c).

IT IS SO ORDERED.

Dated: February 9, 2024

/s/ Paul L. Maloney

Paul L. Maloney
United States District Judge